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FEB 26 1993
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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February 26, 1993

OF COUNSEL
ROBERT BENNETT LUBIC

FAX: (202) 686-8282

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: MM Docket No. 92-308
Slidell, Louisiana

Dear Ms. Searcy:

Transmitted herewith, on behalf of Caroline K. Powley d/b/a Unicorn Slide are an original and six (6) copies of its Further Supplement to the Joint Petition for Approval of Settlement Agreement in the above-referenced docket.

Please contact the undersigned should questions arise regarding this matter.

Very truly yours,



Lee J. Peltzman
Counsel for
CAROLINE K. POWLEY d/b/a
UNICORN SLIDE

LJP:bpt
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

STATEMENT

This will further supplement the accounting of expenses incurred by Unicorn Slide with respect to the application (BPTC-900518KO) filed by that applicant in the Slidell, Louisiana proceeding.

Legal expenses	- \$18,269.11
Filing Fee	- 2,250.00
Facilitator Expense	- 10,500.00

SWORN STATEMENT

I, Ron Baptist, make the following statement under penalty of perjury.

I own Federal Communications Services ("FCS"). FCS operates as a telecommunications consultant and broker, and also serves from time to time as a settlement facilitator.

I, through FCS, have and am serving as a settlement facilitator in a number of FCC comparative proceedings. For example, in the Manahawkin, New Jersey FM comparative case, I was retained for the purpose of settling that multi-party proceeding. My fee for settling that proceeding was \$30,000.00. That amount was based on the number of parties involved, the size of the market and the fact that the fee was contingent upon a final settlement. What that means is that if there is no settlement, I receive no fee. Unfortunately, that case did not settle and, because my fee was contingent, I received no monies despite the substantial amount of time I spent attempting to negotiate a settlement as well as the significant out-of-pocket expenditures incurred by myself.

Since the Manahawkin proceeding, I have been retained in a number of FCC comparative licensing cases to facilitate settlement, including the Slidell, Louisiana television applications. Initially, I was retained by Trudy Mitchell for the purpose of facilitating a settlement. My agreement with Ms. Mitchell was reached approximately 18 months ago. Ms. Mitchell agreed to pay me \$15,000 if I was able to bring her an acceptable settlement. However, despite serious negotiations with Unicorn Slide and Ms. Mitchell and her counsel, no arrangement could be reached, settlement discussions eventually ceased, and my agreement with Mr. Mitchell terminated.

Later, around 8 months ago, I was retained by Caroline Powley and paid \$2,500.00. When negotiations broke down it was suggested that we have a new

settlement arrangement. Ms. Powley became discouraged with spending money and not receiving satisfactory results. Therefore I agreed to accept a contingent amount of \$15,000 plus expenses if I was able to bring Ms. Powley an acceptable settlement.

My efforts culminated after release of the hearing designation order in early January with an agreement acceptable to both applicants. During the period between designation and the date that settlement was reached, I spent several hours by telephone negotiating with Ms. Mitchell, counsel for Ms. Mitchell as well as with counsel for Ms. Powley. Fortunately, an agreement was reached a few days prior to the Notice of Appearance date and a settlement filed with the Commission. It is my estimation that settlement may not have been reached absent my participation.


Again, my fee for working out a settlement was \$15,000.00 plus reimbursement of up to \$500.00 for out-of-pocket expenses. I have reviewed my files and can state that I have spent over \$500.00 in out-of-pocket expenses settling this case, chiefly through long-distance telephone calls to the principals and counsel plus postage.

I have no family or business relationship with either Ms. Mitchell or anyone assisting her as consultant or legal counsel. The reason that I charged \$15,000.00 for settling this case is because of the substantial risk involved, since I am not paid unless an agreement is reached. If there had been no agreement in Slidell, then, as in the Manahawkin case, notwithstanding the many hours that I spent attempting to work out settlement, Unicorn Slide would have owed FCS nothing. My \$15,000.00 fee plus up to \$500.00 reimbursement for out-of-pocket expenses was agreed upon at the time I was retained to work out a settlement. However, notwithstanding my fee arrangement with Unicorn Slide, in the event that the Commission has doubts regarding approving the full reimbursement of my fee as part of the settlement agreement, I am willing to modify my agreement and reduce my fee to Unicorn Slide to the lesser amount of \$7,500.00, plus \$500.00 reimbursement, notwithstanding the amount of time and risk which were involved in this matter. In reducing my fee, I by no means concede the

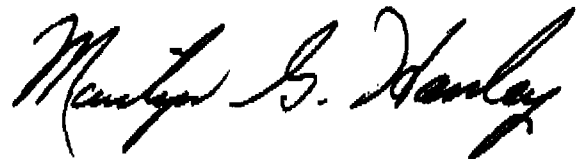
legitimacy of my fee agreement but do so only to assist Unicom Slide in receiving FCC approval of reimbursement of its expenses.

The foregoing statement is true and correct to the best of my knowledge and belief.

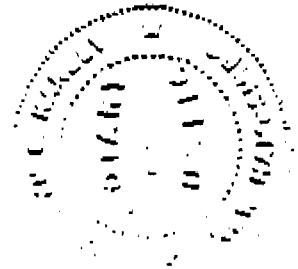
Date: February 24, 1993



Ron Baptist



Marilyn G. Hanley, Notary Public
My Commission Expires: 11/20/95



FURTHER SUPPLEMENT TO SETTLEMENT AGREEMENT

This will further clarify that Settlement Agreement between Trudy Mitchell ("Mitchell") and Caroline K. Powley d/b/a Unicorn Slide ("US") filed with the Commission on February 1, 1993. It is the intent of the Parties that Mitchell reimburse US for its legitimate and prudent expenses incurred in filing and prosecuting its application and settling this comparative proceeding to a maximum amount of \$35,000.00. It is understood that the Presiding Officer may, in approving the Settlement, approve a lesser amount than \$35,000.00. In such case where the Settlement Agreement has been approved and Mitchell's application granted, but an amount less than \$35,000.00 has been approved, US will have the right, but not the obligation to appeal that action. As noted earlier, it is the intent of the Parties that US only receive that reimbursement for its expenses which is legitimate and prudent with respect to filing and prosecuting its application and settling this proceeding, even if that amount is ultimately determined to be less than \$35,000.00.

February , 1993

Trudy Mitchell

February 20, 1993

Caroline K. Powley
Caroline K. Powley d/b/a
Unicorn Slide

CERTIFICATE OF SERVICE

I, Barbara P. Taylor, a secretary in the law offices of Baraff, Koerner, Olender & Hochberg, P.C., do hereby certify that on this 26th day of February, 1993, copies of the foregoing document were mailed postage prepaid via United States mail to the following:

Honorable Richard L. Sippel*
Federal Communications Commission
2000 L Street, N.W., Room 214
Washington, D.C. 20554

Paulette Laden, Esq.*
Federal Communications Commission
Hearing Branch, Mass Media Bureau
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Barbara P. Taylor

*Via Hand Delivery